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U.S. Department of Justice

United States Attorney
Southern District of New York

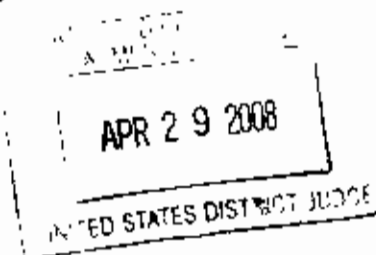
86 Chambers Street
New York, New York 10007

MEMO ENDORSED

April 28, 2008

BY FACSIMILE

Hon. Naomi Reice Buchwald
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 2270
New York, NY 10007



Re: Lamb v. Potter
08 Civ. 0477 (NRB)

Dear Judge Buchwald:

This Office represents defendant John E. Potter, Postmaster General of the United States, in the above-captioned employment discrimination action filed by pro se plaintiff Addys Lamb ("Lamb"). This Office was served on February 28, 2008. I write to request a thirty-day extension of time, from April 28, 2008, to May 28, 2008, to respond to the complaint. I request this extension because I require additional time to review the file and prepare a response. Because plaintiff is proceeding pro se, I have not attempted to obtain his consent. This is the defendant's first request for an extension.

In addition, I note that Lamb has been granted permission to proceed in forma pauperis ("IFP"). However, in his affidavit in support of his request to proceed IFP (a copy of which is enclosed), Lamb stated that he earns \$4,000 per month in wages, \$1,700 per month in social security benefits, \$700 per month in "other source[s]" of income, and owns a condominium worth \$650,000. As courts in this District have noted, "[t]he ability to proceed IFP is a privilege provided for the benefit of indigent persons." Cuoco v. U.S. Bureau of Prisons, 328 F. Supp. 2d 463, 467 (S.D.N.Y. 2004). To discourage abuse of this privilege, the IFP statute provides that "notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that . . . the allegation of poverty is untrue." Id. (quoting 28 U.S.C. § 1915(e)(2)(a)). If, as appears to be the case from his own disclosures, Lamb has income of over \$6,000 per month and owns a condominium valued at \$650,000, the Government respectfully requests this extension of time to evaluate whether to move to dismiss the complaint on this independent basis.

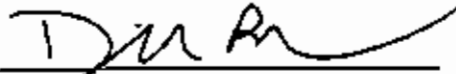
APR 29 2008
UNITED STATES DISTRICT JUDGE
Appellate
granted
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Advised.
Naomi Reice
Buchwald
5/1/08

I thank the Court for its attention to this matter.

Respectfully submitted,

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York

By:



DAVID BOBER
Assistant United States Attorney
(212) 637-2718

cc: Addys Lamb (via regular mail)